NCA
VOC FOR IOP/FN
BACKGROUNDER NO. 5-5581 MARCH 6, 1978
CHRIS KERN

TAFT-HARTLEY ACT -- A PRIMER

ANNCR:

PRESIDENT CARTER IS USING A LAW CALLED "TAFT-HARTLEY" -- AFTER THE NAMES OF ITS CONGRESSIONAL AUTHORS -- TO GET THIS COUNTRY'S STRIKING MINERS BACK TO THEIR JOBS. CHRIS KERN HAS A BACKGROUND REPORT ON THE STATUTE AND THE WAY IT WORKS.

VOICE:

THE TAFT-HARTLEY ACT PERMITS THE GOVERNMENT TO INTERVENE IN WHAT REMAINS ESSENTIALLY A PRIVATE DISPUTE BETWEEN THE COAL INDUSTRY AND THE STRIKING MINERS. THE LAW WAS PASSED IN 1947 OVER THE VETO OF PRESIDENT HARRY TRUMAN BY A REPUBLICAN-CONTROLLED CONGRESS, AND IT HAS TRADITIONALLY BEEN VIEWED BY ORGANIZED LABOR AS A MEASURE THAT FAVORS MANAGEMENT.

THE LAW AUTHORIZES THE PRESIDENT TO SET UP A BOARD OF INQUIRY INTO ANY STRIKE THAT THREATENS "THE NATIONAL HEALTH OR SAFETY." AS SOON AS THE BOARD REPORTS BACK TO THE PRESIDENT ON THE STATUS OF THE STRIKE -- TYPICALLY NO MORE THAN A FEW DAYS AFTER ITS FORMATION -- THE PRESIDENT CAN APPLY TO A FEDERAL JUDGE FOR AN ORDER REQUIRING THE STRIKING WORKERS TO RETURN TO THEIR JOBS.

THE COURT ORDER LASTS FOR 80 DAYS. DURING THAT PERIOD, THE WORKERS ARE REQUIRED TO SUSPEND THEIR STRIKE, AND BOTH LABOR AND MANAGEMENT ARE REQUIRED TO RESUME NEGOTIATIONS WITH THE HELP OF GOVERNMENT MEDIATORS. IF THE NEGOTIATIONS DON'T PRODUCE A NEW LABOR CONTRACT, THE WORKERS MAY RESUME THEIR STRIKE. BUT UNTIL THE SO-CALLED 80-DAY "COOLING OFF" PERIOD IS OVER, WORKERS WHO STAY HOME ARE GUILTY OF CONTEMPT OF COURT, WHICH IS PUNISHABLE BY FINE OR JAIL SENTENCES.

EVEN WITH THOSE SANCTIONS, STRIKING WORKERS HAVE REFUSED TO HONOR A BACK-TO-WORK INJUCTION ON SEVERAL OCCASIONS. ALL THREE PRIOR ATTEMPTS TO USE TAFT-HARTLEY AGAINST STRIKING COAL MINERS -- TWICE IN 1948 AND ONCE IN 1950 -- HAVE BEEN FAILURES. THIS TIME, ONCE AGAIN, MANY MINERS ARE THREATENING TO IGNORE A BACK-TO-WORK ORDER. MR. CARTER WILL UNDOUBTEDLY GET AN INJUNCTION BUT IT'S ANYBODY'S GUESS WHETHER THE MINERS WILL OBEY IT.

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